

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BRYAN HILLS, et. al.,	:	
Plaintiffs,	:	CIVIL ACTION
	:	No. 13-1076
v.	:	
BOROUGH OF COLWYN, et.	:	
al.,	:	
Defendants.	:	

**ORDER**

**AND NOW**, this \_\_17<sup>th</sup>\_\_ day of \_\_October\_\_, 2013, it is **ORDERED** that the Motion to Dismiss of Defendants Borough of Colwyn, et al. (ECF No. 3), the Motion to Dismiss of Defendant Mueser (ECF No. 8), and the Motion to Strike Punitive Damages of Defendants Borough of Colwyn, et al. (ECF No. 10) are **GRANTED IN PART** and **DENIED IN PART** as follows:

- **Motion to Dismiss of Defendants Borough of Colwyn, et al. (ECF No. 3):**
  - Defendants' motion to dismiss Plaintiffs' PHRA claims against Defendant Council Members in their individual capacities is **GRANTED** as to Defendants Marguerite Thomas, Patricia Williams, Martha D. VanAuken, Julius Coles, Richard Booker, Robert Moore, Victoria Walden, and Lisa Mujahid, and **DENIED** as to Defendant Tonette Pray.
  - Defendants' motion to dismiss Plaintiffs' § 1981, via § 1983 claims against all Defendant Council Members in their official capacities is **GRANTED**.
  - Defendants' motion to dismiss Plaintiffs' § 1981, via § 1983 claims against all Defendant Council Members in their individual capacities is **DENIED**.
  - Defendants' motion is **DENIED** as to all other claims.

- **Motion to Dismiss of Defendant Mueser (ECF No. 8):**

- Defendant's motion to dismiss Plaintiffs' PHRA claims against Defendant Paul Mueser in his individual capacity is **GRANTED**.
- Defendant's motion to dismiss Plaintiffs' § 1981, via § 1983 claims against Defendant Paul Mueser in his official capacity is **GRANTED**.
- Defendant's motion to dismiss Plaintiffs' § 1981, via § 1983 claims against Defendant Paul Mueser in his individual capacity is **DENIED**.

- **Motion to Strike Punitive Damages (ECF No. 10):**

- Defendants' motion to strike punitive damages as to Plaintiffs' PHRA claims is **GRANTED**.
- Defendants' motion to strike punitive damages as to Plaintiffs' § 1981, via § 1983 claims against the Borough of Colwyn and Defendant Council Members in their official capacities is **GRANTED**.
- Defendants' motion to strike punitive damages as to Plaintiffs' § 1981, via § 1983 claims against Defendant Council Members in their individual capacities is **DENIED**.

s/Anita B. Brody

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ANITA B. BRODY, J.

Copies **VIA ECF** on \_\_\_\_\_ to:

Copies **MAILED** on \_\_\_\_\_ to: